

Practitioner's Docket No.: 49032-FWC



PATENT

GROUP 180

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 08/901,612

Filed: July 28, 1997

Inventor: Bruce L. Frank, et al.

Title: OLIGONUCLEOTIDES SPECIFIC FOR HEPATITIS B VIRUS

Assistant Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified patent,

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

the following practitioners are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

Peter F. Corless, Registration No. 33,860 —  
David G. Conlin, Registration No. 27,026 —  
George W. Neuner, Registration No. 26,964 —  
Linda M. Buckley, Registration No. 31,003 —  
Peter J. Manus, Registration No. 26,766 —  
Cara Z. Lowen, Registration No. 38,227 —  
William J. Daley, Jr., Registration No. 35,487 —  
Robert L. Buchanan, Registration No. 40,927 —  
Christine C. O'Day, Registration No. 38,256 —  
Richard E. Gamache, Registration No. 39,196 —  
Lisa Swiszc, Registration No. 44,368 —

**SEND CORRESPONDENCE TO:**

Peter F. Corless  
Dike, Bronstein, Roberts & Cushman, LLP  
130 Water Street  
Boston, MA 02109

**DIRECT TELEPHONE CALLS TO:**

Peter F. Corless  
(617) 523-3400

Customer No.: 21874

**IDENTIFICATION OF ASSIGNEE:**

Hybridon, Inc.

*(type or print identity of assignee of entire interest)*

~~620 Memorial Drive~~ ~~XSS~~ 155 Fortune Blvd.

~~Cambridge, MA 02139~~ Milford, MA 01757  
Address

Ownership by the Assignee is established in Assignment:

Recorded at the USPTO on: June 2, 1997

Reel: 8543

Frame: 0870

**ASSIGNEE STATEMENT**

Attached to this power is a "STATEMENT UNDER 37 C.F.R. 3.73(b)."

  
Signature

Date: May 16, 1999

Cheryl M. Northrup

*(type or print name of person authorized to sign on behalf of assignee)*

Vice President and General Counsel

*(Title)*

Practitioner's Docket No. 49032-FWC**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bruce L. Frank, et al.

Application No.: 08 / 901,612      Group No.: 1635

Filed: July 28, 1997

For: "Oligonucleotides      Examiner: Thomas G. Larson, Ph.D.

Specific For Hepatitis B Virus"

Issue Date: \_\_\_\_\_

Patent\*: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Reexamination No.: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Reissue: \_\_\_\_\_

\*NOTE: Insert name(s) of inventor(s) and title for patent.

Assistant Commissioner for Patents  
Washington, D.C. 20231**STATEMENT UNDER 37 C.F.R. § 3.73(b)—  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION****CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\****(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Patricia A. Barnes

(type or print name of person certifying)

Date: 05/27/99**\*WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).*"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

NOTE: 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, . . . , patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

NOTE: "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18." Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

### IDENTIFICATION OF ASSIGNEE

2. Hybridon, Inc.

Name of assignee

Corporation

Type of assignee, e.g., corporation, partnership, university, government agency, etc.

### PERSON AUTHORIZED TO SIGN

3. Cheryl M. Northrup

(type name of person authorized to sign on behalf of assignee)

Vice President and General Counsel

Title of person authorized to sign

NOTE: The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

[Author's Note: The requirement for an oath or declaration for this statement by a person not a registered practitioner was rescinded by the rules effective December 1, 1997.]

(complete the following, if applicable)

☒ I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

**BASIS OF ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

**A.**

1. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at  
Reel 8543, Frame 0870
2. ☐ An assignment (document) separately being submitted for recordal herewith.

**AND/OR**

- B. ☐ A chain of title from the inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
Name of inventor(s)

To: \_\_\_\_\_

Recorded in PTO: Reel \_\_\_\_\_  
Frame \_\_\_\_\_

2. From: \_\_\_\_\_  
Name of inventor(s) or assignee

To: \_\_\_\_\_

Recorded in PTO: Reel \_\_\_\_\_  
Frame \_\_\_\_\_

3. From: \_\_\_\_\_  
Name of inventor(s) or assignee

To: \_\_\_\_\_

Recorded in PTO: Reel \_\_\_\_\_  
Frame \_\_\_\_\_

*(check item below, and add details, if applicable)*


- ☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.


**COPIES OF DOCUMENTS IN CHAIN OF TITLE**

*(complete this item, if copies are being sent)*

- ☐ Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

<input type="checkbox"/> A	<input type="checkbox"/> 1	<input type="checkbox"/> 2	
<input type="checkbox"/> B	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3

  
(Signature of authorized person)  
Cheryl M. Northrup  
(type or print name of authorized person)  
Vice President and General Counsel  
Title of authorized person

  
SIGNATURE OF PRACTITIONER  
Christine C. O'Day  
(type or print name of practitioner)

Reg. No.: 38,256

Tel. No.: (617) 523-3400

Customer No.: 21874

Dike, Bronstein, Roberts & Cushman, LLP  
P.O. Address  
130 Water St., Boston, MA 02109-4280

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

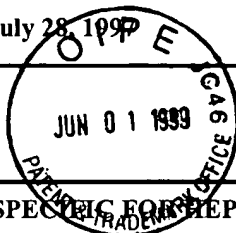
Docket No.  
49032-FWC (1956)

Serial No.  
08/901,612

Filing Date  
July 28, 1999

Patent No.

Issue Date

Applicant/ Patentee: **Bruce L. Frank, et al.**

Invention: **OLIGONUCLEOTIDES SPECIFIC FOR HEPATITIS B VIRUS**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Hybridon, Inc.

ADDRESS OF CONCERN: 620 Memorial Drive, Cambridge, MA 02139 ~~155~~ 155 FORTUNE BLVD.  
MILFORD, MA. 01757

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern or organization exists.  
☒ each such person, concern or organization is listed below.

FULL NAME Origenix Technologies, Inc.

ADDRESS 230 Bernard-Belleau, Suite 212, Laval, Quebec H7V 4A9

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Cheryl M. Northrup

TITLE OF PERSON SIGNING \_\_\_\_\_

OTHER THAN OWNER: Vice President and General Counsel

ADDRESS OF PERSON SIGNING: Hybridon, Inc.

~~620 Memorial Drive~~ 155 FORTUNE BLVD  
~~Cambridge, MA 02139~~ MILFORD, MA 01757

SIGNATURE: Cheryl M. Northrup

DATE: May 6, 1999



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.  
49032-FWC (1956)

Serial No.  
08/901,612

Filing Date

JUN 28, 1999

Patent No.

Issue Date

Applicant/ Patentee: Bruce L. Frank, et al.

JUN 01 1999

Invention: OLIGONUCLEOTIDES SPECIFIC FOR HEPATITIS B VIRUS

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: OriGenix Technologies, Inc.

ADDRESS OF CONCERN: 230 Bernard-Belleau, Suite 212, Laval, Quebec H7V 4A9

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern or organization exists.  
☒ each such person, concern or organization is listed below.

FULL NAME Hybridon, Inc.

ADDRESS 155 Fortune Boulevard, Milford, MA 01757

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Douglas J. Jensen

TITLE OF PERSON SIGNING \_\_\_\_\_

OTHER THAN OWNER: President & CEO

ADDRESS OF PERSON SIGNING: OriGenix Technologies, Inc.

230 Bernard-Belleau

Suite 212

Laval, Quebec H7V 4A9

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

May 12, 1999